

Court of Appeals, State of Michigan

ORDER

Daniel L Sigsbee v Anne J Sigsbee

Docket No. 265797

LC No. 96-900473-DO

Alton T. Davis
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

The Court orders that in lieu of granting the application for leave to appeal and pursuant to MCR 7.205(D)(2), the Clare Circuit Court's September 28, 2005 amended judgment regarding lottery proceedings is REVERSED. The trial court misapplied MCR 2.612(C)(1), and abused its discretion in granting plaintiff's motion for relief from judgment under subrule (f). Plaintiff failed to satisfy any of the requirements for such relief. See *Heugel v Heugel*, 237 Mich App 471, 478-479; 603 NW2d 121 (1999); *Altman v Nelson*, 197 Mich App 467, 478; 495 NW2d 826 (1992). Moreover, plaintiff's motion was not raised "within a reasonable time," as required by MCR 2.612(C)(2). We REMAND this matter to the trial court for further proceedings consistent with this order.

We retain no further jurisdiction.

O'Connell, J. would GRANT leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 3 2006

Date

Sandra Schultz Mengel
Chief Clerk